

Exhibit 18

STATE OF SOUTH CAROLINA)
)
 COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
 NINTH JUDICIAL CIRCUIT

CASE NO.: 2011-CP-10-08609

John Doe,

Plaintiff,

vs.

Michael Arpaio and The Citadel,

Defendant.)

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Plaintiff's Attorney:

J. Edward Bell and Scott Evans, Bar No. _____

Address:

P.O. Box 2590, Georgetown, SC 29442

Phone: (843) 546-2408 Fax _____

E-mail: EBell@EdBellLaw.com Other: _____

Defendant's Attorney:

M. Dawes Cooke, Jr, Bar No. 1376

Address:

P.O Drawer H, Charleston, SC 29402

Phone: (843) 577-7700 Fax (843) 577-7708

E-mail: mdc@barnwell-whaley.com Other: _____

☒ **MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)**

☐ **FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)**

☐ **PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)**

SECTION I: Hearing Information

Nature of Motion: Motion for Summary Judgment

Estimated Time Needed: 60 minutes

Court Reporter Needed: ☒ YES / ☐ NO

SECTION II: Motion/Order Type

☐ Written motion attached

☐ Form Motion/Order

I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for ☐ Plaintiff / ☐ Defendant

Date submitted

SECTION III: Motion Fee

☒ **PAID – AMOUNT: \$**

☐ **EXEMPT:**

(check reason)

☐ Rule to Show Cause in Child or Spousal Support

☐ Domestic Abuse or Abuse and Neglect

☐ Indigent Status ☐ State Agency v. Indigent Party

☐ Sexually Violent Predator Act ☐ Post-Conviction Relief

☐ Motion for Stay in Bankruptcy

☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRPC)

☐ Proposed order submitted at request of the court; or,
 reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____

☐ Other: _____

JUDGE'S SECTION

☐ Motion Fee to be paid upon filing of the attached order.

☐ Other: _____

JUDGE CODE _____

Date: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____

☐ **MOTION FEE COLLECTED: \$** _____

☐ **CONTESTED – AMOUNT DUE: \$** _____

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT
CASE NO.: 2011-CP-10-08609

John Doe,

Plaintiff,

vs.

Michael Arpaio and The Citadel,

Defendants.

**NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT
ON BEHALF OF DEFENDANT
THE CITADEL**

BY JULIE J. ARMSTRONG
CLERK OF COURT
2014 FEB 14 PM 3:38

FILED

TO: ATTORNEYS FOR PLAINTIFF

YOU WILL PLEASE TAKE NOTICE that the undersigned attorneys for Defendant, The Citadel ("Defendant"), will move before this Court, at least ten (10) days from the date hereof or as soon thereafter as counsel may be heard, for an Order granting Defendant summary judgment and entering judgment against the Plaintiff pursuant to Rule 56 of the South Carolina Rules of Civil Procedure because there are no genuine issues of material fact supporting Plaintiff's claims. The grounds for this motion are that:

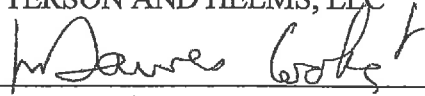
- (a) Defendant is entitled to summary judgment as to all of Plaintiff's claims because such claims are barred by the statute of limitations contained in the South Carolina Tort Claims Act, at S.C. Code § 15-78-110, because he did not file this action within two years after the loss was discovered or within one year of reaching the age of eighteen. *See* S.C. Code § 15-3-40.
- (b) Defendant is entitled to summary judgment as to all counts under S.C. Code § 15-78-60(25), because Plaintiff claims a loss resulting from duties relating to supervision, protection, control, confinement, or custody of any student, patient, prisoner, inmate, or client of any governmental entity, and Plaintiff cannot proffer a scintilla of evidence that The Citadel exercised such duties in a grossly negligent manner.
- (c) Defendant is entitled to summary judgment as to Plaintiff's assault and battery claims (Counts 1, 5 and 9) because they are premised on a theory of *respondeat superior*, but the alleged conduct was well outside of the scope of the alleged employment of Defendant Arpaio.
- (d) Defendant is entitled to summary judgment as to Plaintiff's outrage claims (Counts 2, 6 and 10) because those claims are barred by the South

Carolina Tort Claims Act, *see e.g.*, S.C. Code § 15-78-30(f) and because Plaintiff has had other potential remedies available to him.

- (e) Defendant is entitled to summary judgment as to Plaintiff's outrage claims (Counts 2, 6 and 10) because Plaintiff cannot proffer a scintilla of evidence that The Citadel acted with the requisite level of culpability for an outrage claim.
- (f) Defendant is entitled to summary judgment as to Plaintiff's sexual harassment claims (Counts 4, 8 and 12) because his claims do not involve an unlawful employment practice by The Citadel and because Plaintiff failed to exhaust his administrative remedies.

This motion may also be supported by a memorandum of law filed subsequent hereto, and by the argument of counsel at the hearing of these motions.

BARNWELL WHALEY
PATTERSON AND HELMS, LLC

By: 

M. Dawes Cooke, Jr., Esq.

Randell C. Stoney, Jr., Esq.

P.O. Drawer H (29402)

288 Meeting Street, Suite 200

Charleston, SC 29401

(843) 577-7700

Counsel for Defendant The Citadel

Dated: February 14, 2014
Charleston, South Carolina

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the DEFENDANT'S NOTICE OF MOTION AND MOTION FOR SUMMARY JUDGMENT was served upon counsel of record via U.S. Mail on this 14th day of February, 2014.

ATTORNEY FOR PLAINTIFF:

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David Harwell, Esquire
Scott C. Evans, Esquire
Bell Legal Group
219 Ridge Street
Georgetown, SC 29440

BY: Karen L. Jessee
Karen L. Jessee, Legal Secretary
Barnwell Whaley Patterson & Helms, LLC

BY

JULIE J. ARMSTRONG
CLERK OF COURT

2014 FEB 14 PM 3:39

FILED